

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PR&RD Dept. - Gram Panchayats – Cancellation of Resolution No.10, dated 22.5.2008 passed by the Sidhantham Gram Panchayat, W.G. District – Permission to establish a petrol bunk by Bharat Petroleum Corporation Ltd. - Show Cause Notice issued – objections filed – Orders - Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (Pts.III) DEPARTMENT

G.O.Rt.No. 1574

Dated 25.08.2012.
Read the following:

- 1) Revision Petition filed by the Sarpanch, Sidhantham Gram Panchayat, W.G.Dist., dated 5.12.2009.
- 2) Government Telegram dated 15.12.2009.
- 3) From the Hon'ble APHC orders dt.25.2.2011 in W.P.No.4646/2011.
- 4) Written brief submitted by the 3rd Respondent Sri V.Sridhar Kumar received on 23.4.2012.
- 5) Written submissions filed on behalf of Revision Petitioner received on 26.4.2012.
- 6) Show Cause Notice in Memo No.135118/Pts.III/A2/2012, Dated 18.5.2012.
- 7) From the District Collector, W.G. Dist., Lr. Roc. No.C1/2986/2012, Dated 27.6.2012.

ORDER:

In the reference 1st read above, the Sarpanch, Gram Panchayat, Sidhantham, Penugonda (M), West Godavari Dist., has filed Revision Petition before Government for grant of interim stay of the proceedings bearing Rc.No.2973/2008-A1(P), Dated 21.11.2009 of the District Panchayat Officer, West Godavari wherein the District Panchayat Officer passed orders directing the Gram Panchayat, Sidhantham to grant NOC to the Bharat Petroleum Corporation Ltd for establishing a petrol bunk at Gram Panchayat, Sidhantham.

2. In the reference 2nd read above, orders were issued to the District Panchayat Officer; Eluru granting stay on the orders of the District Panchayat Officer dated 21.11.2009 and directed to send a detailed report along with connected records to Government.

3. The Gram Panchayat, Sidhantham, W.G. District in its resolution passed in Resolution No.10 dated 22.5.2008 has rejected to issue no objection certificate to Bharat Petroleum Corporation Limited to establish a petrol bunk in Sidhantham Gram Panchayat.

4. Sri V.Sridhar Kumar, S/o. Late Narayana Swamy, R/o. Sidhantham, Gram Panchayat, Penugonda (M), W.G. District has filed W.P.No.4646/2011 and the Hon'ble Andhra Pradesh High Court in its orders dated 25.2.2011 passed orders as under:

“The petitioner is permitted to raise this question before respondent No.1 and if such a question is raised, the latter shall decide the same. If the petitioner feels aggrieved by the decision of respondent No.1, He shall be free to avail his further remedy. As the revision is pending before respondent No.1, it is directed to dispose of the same, after Notice to the petitioner and respondent No.5, within a period of two Months from the date of receipt of a copy of this order”.

5. Accordingly, a personal hearing was conducted by the Principal Secretary (PR) on 16.4.2012, as per the delegation of powers given to him, in his chambers to dispose of the revision petition filed by the Sarpanch, Sidhantham Gram Panchayat as per Hon'ble APHC order dt.25.2.2001 in W.P.No.4646/2011 and as per the provisions of the A.P.P.R. Act, 1994.

[P.T.O.]

6. The following Officers / Revision Petitioners have attended to the hearing before Principal Secretary (PR) on 16.4.2012 at 4.00 P.M.

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|-------------------------|------------------------|
| 1. Sri V.Sridhar Kumar | Respondent |
| 2. Sri A.Ravinder Reddy | Counsel for Respondent |
| 3. Sri N.Siva Reddy | Counsel for Petitioner |
| 4. Sri R.Victor | D.L.P.O., Kovvur |

7. In the references 4th and 5th cited, the petitioner as well as the respondent have filed written submissions. Based on the oral arguments emerged during hearing and the written objections/submissions made by the Petitioner / Respondent, it is noticed that there is a petrol bunk established during the year 2008 in Sidhantham Gram Panchayat and the same is running in the name of Sri Kadali Rama Naga Govinda Raju, who is the husband of present Sarpanch. The then Sarpanch is looking after personal interest in connection with her business and not allowing establishing another petrol bunk at Sidhantham Gram Panchayat. The petitioner is making all efforts to stop the establishment of another petrol bunk in Sidhantham village.

8. After hearing both the parties, Government have provisionally decided to cancel the Resolution No.10 dated 22.5.2008 passed by Gram Panchayat Sidhantham by giving an opportunity to the Gram Panchayat to represent their case under Section 246 of APPR Act, 1994.

9. In the reference 6th cited, Government in exercise of the powers conferred under Section 246(1) and (2) of APPR Act, 1994 have directed the Special Officer, Sidhantham Gram Panchayat, W.G. Dist., to show cause as to why the Resolution No.10, dated 22.5.2008 passed by them cannot be cancelled within 10 days, to Government for examination.

10. In the reference 7th read above, the Special Officer, Sidhantham Gram Panchayat & MPDO, Penugonda and the District Collector, W.G. District have filed their written objections.

11. Government after careful examination of the issue and in exercise of the powers conferred under Section 246(1) of APPR Act, 1994 decide and hereby cancel the Resolution No.10 dated 22.5.2008 passed by Gram Panchayat Sidhantham opposing to issue no objection certificate to Bharat Petroleum Corporation Limited to establish a petrol bunk in Sidhantham Gram Panchayat. The Govt. have also decided and hereby vacated the stay granted in Telegram dt.15.12.2009 on the proceedings Rc.No.2973/2008-A1(P), Dated 21.11.2009 of the District Panchayat Officer, West Godavari, duly confirming the action of the orders passed by the District Panchayat Officer, West Godavari District.

12. The Commissioner, PR&RE, Hyderabad and the District Collector, West Godavari District are requested to take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R.BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT

To:

The Commissioner of Panchayat Raj & Rural Employment, Hyderabad.
The District Collector, West Godavari Dist.

Copy to:

The District Panchayat Officer, West Godavari.
The Special Officer, Sidhantham Gram Panchayat,
(Through the Panchayat Officer, West Godavari Dist..)

//FORWARDED :: BY ORDER//

SECTION OFFICER